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THE CHILD LABOR SITUATION IN OHIO AND BORDER STATES

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The extent of child labor in Ohio and border states is not known in detail. Therefore, in respect of the number of children employed in factories, mines and elsewhere we have to content ourselves with general statements. It is apparently true that child labor exists in greatest degree in our industrial centers and in our greater towns. However, it is also true that juvenile labor abounds away from these industrial centers and larger towns to an increasing extent. Factories of various kinds are coming more and more to be located in rural places. The causes for it I will not discuss here. One result of this movement of the factory away from the large town is better control on the part of the employer of his labor force, due partly to isolation from disturbing influences, and due to the fact that he may have moved into the vicinity of a new supply of labor. Practically every boy and girl of the wage-earning classes can work and does work at some gainful occupation during some part of the year.

The demand for labor of all kinds is so great and, taken generally, so much in excess of the supply that it is not difficult for any boy or girl to get work to do if he or she wishes to. Much of this is work that is not harmful to the young worker, but it is inevitable that some toil in places where they should not and at times when they should be at home, in school, or at play. I believe there are many more rural factories now than there were ten years ago. These factories are accessible to a large part of our rural youth, and the rural youth do find their way to them. Everywhere one hears from the farming population complaints as to the scarcity of labor that may be hired; that all the young people seem to have gone to some factory. The consequence is that often the boy is

doing a man's work on the much approved farm and drawing for it nearly a man's pay.

Another cause for child labor is the haste of the wage-earning classes to get as large a share as possible of the prevailing prosperity, to get money to spend for the things that give satisfaction; in short, as one speaker has well said, to get more life. This desire, this greed of money getting, affects the small getters quite as much and with as great harmfulness as it does those of their elders, who are amassing or attempting to amass colossal fortunes.

In this greediness it is inevitable that some selfish or lazy parents should try to shoulder some of the burden of the support of the family upon shoulders too young and tender to bear it. And it is this that a good child labor law prevents.

Turning now from these apparent economic causes of child labor in the Ohio Valley states, let us observe that the Ohio Valley states, that is, those comprising the country drained by the Ohio River, have similar industries. In fact, situated as they are, and with their well known natural resources, it is difficult to name an industry found in one state that is not found in the other states drained by the Ohio River.

Whatever national law is passed, it is highly probable that the states will continue to have laws regulating their own local industries in respect to child labor. Whatever is done by the national government, local conditions will be dealt with by the local or state legislature. This must be so, since the states present so great a variance of industrial conditions. We have almost as many sets of conditions as we have states, but it seems to some of us highly desirable that states having similar industries should have similar child labor regulations. Especially is this desirable where two states with similar industries border upon each other.

An industrial map of the United States would not regard political boundaries, for our coal beds were laid down ages before there was any society to be divided politically; our cotton industry is located according to climate and the nature of the soil, and not according to political boundaries; forest-covered areas, wheat-growing areas, cattle-raising areas, ore-bearing areas are defined by lines that do not correspond to those drawn by government. With the exception of the water courses, rivers and lakes, natural lines have had nothing to do with the division of the country into

states. Our state boundaries may, therefore, be said to be arbitrary, and this arbitrariness is reflected in the state regulations of industry. In a sense child labor laws share in this imposed arbitrary nature of legislation.

This condition of affairs is creating confusion in the enforcement of the child labor laws where such laws exist. Where two states lie side by side, the one with a good child labor law, the other with a poor one or none at all, it is difficult in the state with the good law to enforce it, for children will come across the border to work and return home at night. This is believed to be true in thousands of cases along the Ohio River. They are not residents of the state, and neither the children nor their parents are amenable to the laws of the state in which they work. The employer of such labor is able practically to set at naught the laws of his own state in this particular. He gets his low-priced labor and the consequent advantage over his competitor who may be located further away from the boundary, where the latter cannot get cheap labor.

If the inspector goes to such an employer in an effort to enforce the laws of the state under which he carries on business, often the children are not there. They are across the boundary, there is no record, the inspector is involved in complicated interstate relations in trying to apply the law in a case where the residents of another state are involved. As a consequence, there is little or nothing of a practical nature that he can do. He is dealing with a situation that was not contemplated by the legislature.

There is still another feature of enforcement that is of even more importance than the foregoing. Suppose an attempt is made, as has been done repeatedly in Ohio, to enforce the law upon the border. The employer of child labor says, "If you enforce this law here we will move into the next state, where the conditions are more favorable to our business." They tell our legislators that; all do not believe they will move out of the state, but some do, enough do to weaken not only the enforcement of a good law, but to put an effective stop to the movement for better legislation. Such an argument has weight, for a state does not wish to lose any of its industries, for laws inimical to industrial development drive industries away, and such are not a good thing for the state. We may question honestly that the threat to move will be carried out, yet it is a sufficiently potent argument to hamper the enforcement of a law

and the attempt to extend its best features. In states where there is no law, but where one is in contemplation, I can readily see how this condition would exist and the border employers would resist its enactment.

Let us look at this now from the standpoint of the employer. Let us suppose there are two states lying side by side, one having an age limit of fourteen, the other having no age limit, or, at least, a lower one. The man in the state with the age limit wishes to conform to the law and yet if he does he is put under a disability. His competitor across the boundary has the advantage in competition, an advantage which he is quick to see and turn to his own uses. He is able to underbid the man who has a more limited supply of labor. The latter is continually harassed by this condition because he is less able to get and keep sufficient force for his factory. Then, too, he has to pay higher wages. This gives the employer of younger children an advantage in that his rate of wages is very likely to be lower than in the industry where child labor is more restricted. In all fairness, therefore, to these two men, they should, as far as possible, be subject to the same regulations, at least as far as ages and hours are concerned. I believe that employers themselves would prefer the latter condition, for it would put them on an equality, which would give their business stability. Stability and certainty are two things which every careful business man appreciates. The man in the state with a good child labor law is subject to the uncertainty which arises from unfair competition, and the man in the state with no child labor act is subject to the passage of one and the taking away of a source of profit. Sooner or later he will lose, but in the meantime undesirable conditions continue.

Hence it seems to me a plain proposition that adjoining states with competing industries should have as much uniformity as possible in their child labor regulations.

It is therefore pertinent and useful to inquire as to the points upon which uniformity is possible.

Of the various points covered in our best child labor laws there are points upon which our experience enables us to be in substantial agreement.

First among these is the age limit. A child of thirteen in one state is the same as a child of thirteen in another state. What is

bad and harmful for one is bad and harmful for the other. If it is injurious for a child of thirteen years to work in a factory in Ohio, it is injurious for a child of the same age to work in a factory in West Virginia, California, New York or anywhere else. It would seem, therefore, practical for the states to have the same regulation regarding age, and this would be the first long step toward uniformity.

The same remarks could be made with equal applicability in regard to hours. A twelve-hour strain is a twelve-hour strain, and is just as harmful on a fourteen-year-old boy or girl in one state as another.

The same statements are valid for specified occupations. A circular saw or belting is just as dangerous in Kentucky as in Ohio, and a child should not be permitted to work around such machinery in either state. Both states should prohibit it. There ought to be no difficulty in getting such a law passed in any state.

In other points, such as certificates, inspection, public notices, educational tests, physical tests, fines, etc., there might conceivably be room for a difference of opinion and of policy. But my contention is that on the fundamentals of child labor law adjoining states with the same industries should be in agreement for the sake of the child, for the sake of the industry, and for the sake of respect for law. How shall this desirable result be achieved? I know of no sure way except by educating the people of a state that is backward in this matter up to a point where they will introduce the desirable changes and improvements, and themselves see that they are carried out.

It seems to me undesirable in the extreme that our Ohio law should be set at nought and rendered worse than no law by the children that come into Cincinnati daily from the towns across the river to work in the factories and stores of this city. It is undesirable that children should be ferried across the river from West Virginia to work in our glass factories, or that our children should be ferried to West Virginia to work in their glass factories. It is undesirable that Kentucky children should penetrate sometimes thirty miles inland in Ohio to work in some canning factory. It is undesirable that a boy of a widowed mother able to support him in school should go to work in a box factory, after lying about his age, and there contract vicious habits, there to exhaust his nerve

strength so that the cheap garish theatre is all that will satisfy his craving for excitement. It is undesirable that the cupidity of a parent should prompt him to go to the school superintendent and lie about his child's age that the parent may get the fifty-five cents per day earned in a bolt factory to spend on lodges and euchre parties. It is undesirable, I say, that a boy of twelve years be sent nightly to disorderly places with telegraph messages, where vice is flaunted in his face and he is made familiar with its poisonous details. It is extremely undesirable that immigrant children, truant from school, should pick coal in the mining region.

These are the undesirable features of the child labor situation in the Ohio Valley in recent years and months. They are not set down here out of fancy, but are set down out of fact. Some of them are things that could never be touched, even remotely, by a national statute of a general nature, because a railroad, steamboat or other common carrier has nothing whatsoever to do with the operation. They must be regulated by the individual state exercising its functions as the guardian and instructor of its youth. It must be done by the state in co-operation with every other adjoining state.

Whatever may be said about other kinds of uniformity, the states touching the Ohio River must work in harmony or in unison for similar regulations, or a desirable adjustment of the present discord will be far to seek.